

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

MICHAEL JAY GRATON,

Plaintiff,

v.

Warden CAMON, DR. MOODY,
GDOC Comm'r BRIAN OWENS,
Medical Director DR. SHARON
LEWIS, and JANE DOE I,

Defendants.

Case No. 7:09-CV-99 (HL)

ORDER

This case is before the Court on the Recommendation (Doc. 4) of United States Magistrate Judge Richard L. Hodge on Plaintiff's Complaint (Doc. 2). The Recommendation recommends dismissing Jane Doe I from the litigation because she has not been sufficiently identified to allow for service of process, which is what is required when a Plaintiff sues a Jane Doe Defendant. Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Petitioner's Objection (Doc. 10) and has made a de novo determination of the portions of the Recommendation to which Plaintiff objects.

In his Objection, the Defendant provides additional details regarding Jane Doe, including her last name, her employer and her department.¹ This information is sufficient to avoid dismissal. This Court orders that Ms. Welsh be substituted for Jane Doe I. So that the Defendants will not be prejudiced by this amendment, the Defendants may amend their Pre-Answer Motion to Dismiss (Doc. 15) to include Ms. Welsh if they so choose.

SO ORDERED, this the 9th day of March, 2010.

s/ Hugh Lawson

HUGH LAWSON, Senior Judge

jch

¹ A subsequent affidavit, filed by the Defendants and sworn by Aronna Welsh, the Head Nurse, employed by Medical College of Georgia/Georgia Correctional Health Care at Robert L. Patten Probation Detention Center, indicates that the Plaintiff has indeed sufficiently identified Jane Doe I.